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7
8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 F.G. CROSTHWAITE and RUSSELL E.
BURNS, in their respective capacities as
11 Trustees, et al.,

12 Plaintiffs,

13 v.

14 A PLUS MATERIALS AND RECYCLING,
INC. a California Corporation, et al.,

15 Defendants.
16

Case No.: C10-4342 SI

**REQUEST TO VACATE / CONTINUE
CASE MANAGEMENT CONFERENCE;
[PROPOSED] ORDER THEREON**

Date: July 1, 2011

Time: 2:30 p.m.

Ctrm: 10, 19th Floor

Judge: Honorable Susan Illston

17 Plaintiffs herein respectfully request that the Case Management Conference, currently on
18 calendar for July 1, 2011, be continued for approximately 60 – 90 days.

19 1. As the Court's records will reflect, this action was filed on September 24, 2010, to
20 compel Defendants Rodney Ray Lawley and A Plus Materials And Recycling, Inc. (which was
21 allegedly purchased by Defendant Recology, Inc.) to comply with their collective bargaining
22 agreement. Service on Defendants was effectuated on October 5, 2010 (Recology, Inc.) and
23 November 12, 2010 (Rodney Ray Lawley and A Plus Materials And Recycling, Inc.).

24 2. Having learned that Recology, Inc. is not indeed a successor to A Plus Materials
25 And Recycling Inc., Plaintiffs prepared a Stipulation For Voluntary Dismissal As To Defendant
26 Recology, Inc., which was then executed by all of the parties, filed with the Court, and ultimately
27 signed by the Honorable Susan Illston on March 22, 2011.

28 3. The remaining parties were unable to reach a settlement.

5. Since that time, Plaintiff Trustees approved an overall change of liquidated damages and interest application, which may reduce Plaintiffs' claims. As a result, the Trust Funds underwent a systemwide programming revision as to the calculation of interest and liquidated damages, which was recently completed. Upon confirmation of amounts claimed due in this action, Plaintiffs will prepare, file and serve their Motion for Default Judgment.

9 6. There are therefore no issues that need to be addressed at the currently scheduled
10 Case Management Conference. In the interest of conserving costs as well as the Court's time and
11 resources, Plaintiffs respectfully request that the Case Management Conference, currently
12 scheduled for July 1, 2011, be vacated, or in the alternative be continued to either coincide with
13 the date to be set for the Motion, or continued for 90 days to allow completion of the Motion,
14 service, filing and disposition of the Motion.

15 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above
16 entitled action, and that the foregoing is true of my own knowledge.

17 Executed this 21st day of June 2011, at San Francisco, California.

18 SALTZMAN & JOHNSON
LAW CORPORATION

20 By: /S/
21 Blake E. Williams
Attorneys for Plaintiffs

IT IS SO ORDERED.

Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case Management Conference and all related deadlines are hereby vacated.

or

Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case Management Conference is hereby continued to 10/7/11 @ 3 P.M.. All related deadlines are extended accordingly.

27 | Date: 6/29/11

THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT COURT JUDGE